

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services proposes to amend Chapter 53, “Pay,” and Chapter 63, “Leave,” Iowa Administrative Code.

These amendments delete the years of service incentive program rule, as this program no longer exists.

These amendments also reflect changes required by the National Defense Authorization Act for FY 2010. These changes allow family members of servicemembers in the regular component of the Armed Forces to be eligible for exigency leave. Previously, exigency leave was only available for family members of members of the National Guard or Reserves. The proposed changes also limit exigency leave to family members of covered servicemembers deployed or deploying to a foreign country.

Any interested person may make written comments on the proposed amendments on or before June 22, 2010. Comments should be directed to Jennifer Sandusky, Human Resources Enterprise, Department of Administrative Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-5102 or by E-mail to jennifer.sandusky@iowa.gov.

These amendments are intended to implement Iowa Code section 8A.104(5), the Family and Medical Leave Act, and the National Defense Authorization Act for FY 2010.

The following amendments are proposed.

ITEM 1. Rescind rule **11—53.12(8A)**.

ITEM 2. Amend paragraphs **63.4(1)“e”** and **“f”** as follows:

e. A qualifying exigency, as defined in ~~the National Defense Authorization Act for FY 2008 (NDAA)~~, federal FMLA regulations, arising out of the fact that the employee’s spouse, son, daughter or parent is a covered ~~military member~~ servicemember on covered active duty, or has been notified of an impending call or order to covered active duty, ~~in support of a contingency operation~~ a foreign country.

f. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the servicemember, pursuant to the ~~NDAA~~ FMLA regulations.